

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WAYNE ABRAHAMSON,	)	<b>4:05CV3039</b>
BERGMAN BROTHERS, and	)	
WAYNE CARLSON,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
FIRST NATIONAL BANK OF	)	<b>MEMORANDUM</b>
HOLDREGE, KENNETH	)	<b>AND ORDER</b>
SLOMINSKY, ERIC TITUS,	)	
RONALD STERR, TIM WIEBE,	)	
JEANETTE HARDEN, KIRK	)	
RILEY, MARK UTTER, and	)	
DOUGLAS SCOTT LATTER,	)	
	)	
Defendants.	)	
	)	
PHILLIP M, KELLY, as Trustee of	)	<b>4:05CV3040</b>
the bankruptcy estate of DENNIS R.	)	
DAMROW, together with	)	
SHERRY DAMROW, as their	)	
interests may be established,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
FIRST NATIONAL BANK OF	)	<b>MEMORANDUM</b>
HOLDREGE, KENNETH	)	<b>AND ORDER</b>
SLOMINSKY, ERIC TITUS,	)	
RONALD STERR, TIM WIEBE,	)	
JEANETTE HARDEN, KIRK	)	
RILEY, MARK UTTER, and	)	
DOUGLAS SCOTT LATTER,	)	
	)	
Defendants.	)	
	)	

DONALD DAMROW,	)	<b>4:05CV3041</b>
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
FIRST NATIONAL BANK OF	)	
HOLDREGE, KENNETH	)	<b>MEMORANDUM</b>
SLOMINSKY, ERIC TITUS,	)	<b>AND ORDER</b>
RONALD STERR, TIM WIEBE,	)	
JEANETTE HARDEN, KIRK	)	
RILEY, MARK UTTER, and	)	
DOUGLAS SCOTT LATTER,	)	
	)	
Defendants.	)	
	)	
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MARTIN DAMROW,	)	<b>4:05CV3042</b>
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
FIRST NATIONAL BANK OF	)	
HOLDREGE, KENNETH	)	<b>MEMORANDUM</b>
SLOMINSKY, ERIC TITUS,	)	<b>AND ORDER</b>
RONALD STERR, TIM WIEBE,	)	
JEANETTE HARDEN, KIRK	)	
RILEY, MARK UTTER, and	)	
DOUGLAS SCOTT LATTER,	)	
	)	
Defendants.	)	
	)	

DAMROW and DAMROW, a General Partnership,	)	<b>4:05CV3043</b>
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
FIRST NATIONAL BANK OF HOLDREGE, KENNETH SLOMINSKY, ERIC TITUS, RONALD STERR, TIM WIEBE, JEANETTE HARDEN, KIRK RILEY, MARK UTTER, and DOUGLAS SCOTT LATTER,	)	<b>MEMORANDUM AND ORDER</b>
	)	
Defendants.	)	
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DAMROW FARMS, a General Partnership,	)	<b>4:05CV3044</b>
	)	
Plaintiff,	)	
	)	
vs.	)	
FIRST NATIONAL BANK OF HOLDREGE, KENNETH SLOMINSKY, ERIC TITUS, RONALD STERR, TIM WIEBE, JEANETTE HARDEN, KIRK RILEY, MARK UTTER, and DOUGLAS SCOTT LATTER,	)	<b>MEMORANDUM AND ORDER</b>
	)	
Defendants.	)	
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In the opinions I issued in these cases last Friday, I mistakenly stated that I was dismissing the “unjust enrichment” claims for failure to comply with Rule 41(b) as well as for failure to state a claim under Rule 12(b)(6). (*See* pages four and twenty-two of the opinions.) That was erroneous. I dismissed the “unjust enrichment” claims solely because they failed to state a claim under Rule 12(b)(6). (*See* pages 4, 13, 14 and 22 of the opinions.) I apologize for this error and the resulting confusion. Therefore,

IT IS ORDERED that the opinions (filing 44 in 4:05CV3039; filing 46 in 4:05CV3040; filing 41 in 4:05CV3041; filing 40 in 4:05CV3042; filing 43 in 4:05CV3043; and filing 45 in 4:05CV3044) in these cases are amended to make clear that the “unjust enrichment” claims are dismissed solely for failure to state a claim under Rule 12 (b)(6). The Clerk is directed to modify the docket entry for each of the opinions accordingly. Amended judgments will not be filed.<sup>1</sup>

February 6, 2006.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge

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<sup>1</sup>The judgments filed in this case do not states the specific reasons for their entry and thus no amendment need be made to them.